M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1495 Press ~~Mis.~~

128-129

Dated 17.9.1863 ~~19~~ .

6/7

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
17th September 1863.

No. 128. Read the following letter from C. W. READE, Esq., Collector of South Arcot; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Cuddalore, 19th August 1863, No. 45.

The Notification of Government in the Fort Saint George Gazette, dated 22nd May last, relating to the introduction of Act XXVI of 1850 into the town of Cuddalore, was duly republished in the local Gazette of this District for six successive issues. The Notification prescribed six weeks as the period within which objectors were invited to come forward, and though seven weeks have now elapsed in excess of the stipulated time, no one has appeared personally before me in opposition to the proposed measure.

2. But although no one has appeared personally, still I have to state that two petitions signed by several alleged residents of Old Town have been addressed to me by Post, both of which were endorsed by me to the effect that the objectors could not be heard except in person, and that if they appeared before my office at any time their objections would be received and noted. These petitions so endorsed were duly returned to the principal of the supposed writers, whose receipt in acknowledgment of such return was taken. The receipt of the last endorsement so given bears date the 8th July, yet notwithstanding I have been readily accessible to all by my continued residence in Cuddalore, within three miles of Old Town, and my occasional visits there, no single person has attended in objection, and to my knowledge no one has personally raised any opposition whatever to the introduction of the Act.

3. I have not felt called upon, in a matter of the kind, to go out of my way to summons the supposed writers of the petitions received by Post. The Notification has had every publicity given to it, and it was tom-tomed in every street of the town as directed by Government, and the terms of the Notification require that objections to be made should be made in person. Thus I am not quite clear what course to adopt, *i. e.*, whether the Government will be disposed to proceed at once in furtherance of the wishes of the originators of the move or whether they will think it important that, in anticipation of hereafter opposition, enquiry should first be instituted by summoning the parties whose signatures are attached to the petitions to which I have adverted.

4. I beg to state that I had nothing whatever to do with the move for the introduction of the Act. I never suggested it, and purposely avoided doing so, as I am quite aware of the impolicy of any pressure of the kind. The application to me was perfectly spontaneous on the part of those who submitted it, and the Government are already in possession of my Notification published in the local Gazette long prior to that emanating from the Government itself, and during the whole of this lengthened interval, with the exception of the above two petitions, as far as I am aware, there has been but one feeling felt and manifested on the subject.

5. I am not of opinion that there will be any great difficulty in introducing the Act, because every care and precaution shall be taken to do so in a manner acceptable as well as unobjectionable to the public; and I am not without experience in these matters; still it is just possible Government may feel differently and may consider it undesirable to move further until the precise nature and extent of the supposed objection or opposition are definitely ascertained; meanwhile, to prevent unnecessary delay in giving effect to a measure so obviously beneficial, I have thought it as well at once to submit the names of the proposed Committee of management to whom will be entrusted the duty of carrying out the provisions of the Municipal Act; and should Government determine that their appointment can only be contingent on the result of the inquiry as above, the submission beforehand of the names of the Committee will be of little consequence.

6. It is my belief that the desire for the Act is very general; certainly it is so on the part of the most respectable and influential inhabitants on whom will fall the greater proportion of the contributions, while if any be really opposed to it, I am inclined to the opinion that ignorance is rather the cause and a want of appreciation of the objects to be attained, and of course without personal intercourse neither this ignorance nor this want of appreciation can be combated or removed.

7. If the Government will be pleased to notify the appointment of the Committee as in the case of the town of Bellary they may safely rely on my discretion in the subsequent steps to be taken here for enforcing the Act, and no one who eventually may persist in a refusal to be brought under it shall be subject to its operation, and with this proviso I would, with all deference, suggest that the introduction of the Act be at once sanctioned.

No. 129. ORDER THEREON, 17th September 1863, No. 1,495.

The Governor in Council observes that paragraph 2 of the Order of the 20th May last, clearly implied that, if petitions against the enforcement of the Act were received, they were to be inquired into.

2. The Magistrate must now do this in regard to the petitions referred to in this letter and report the result.

3. Should there prove to be any *bonâ fide* objectors to the introduction of the Act among the residents of the town, the Governor in Council will require full information as to the number of such objectors, the nature of the objections, and whether these extend to all or only parts of the Act. He observes that the proposition made by Mr. Reade in paragraph 7 of his letter that the Act should be introduced, and at the same time that no individual resident who objects to it should be brought under it, is clearly impracticable. The result of this would be that the objectors would get all the benefits of the introduction of the Act without paying for it.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

List

Of Gentlemen recommended for appointment as Municipal Commissioners for the old Town Cuddalore.

President — C. H. Reade Esqr
Vice President — C. A. Ellis Esqr
Health officer — Mr. J Rayandrum
Members — C. L. Carr Esqr
Doctor Doyle
C. C. Caldwell Esqr
Mr P. Donaldson
Mr D. Rees.
Cokerilla Subba Row
N. Morris Esqr
Casava Pillay
Muthoosapathy chetty
Babah Mercyer
Lathasava Pillay
Ramakistna Gramony
Vizea Gopaul pillay
Muttusamy Mudely
Manikah chetty.

Cuddalore
19th August 1863

Collector & Magistrate

require full information as to

Judicial Department

No 1837

From the Magistrate of South Arot.

Dated 19th August 1863.

For Orders.

- Mr Reade should have ascertained correctly the objections of the parties who signed the petitions & seen whether he could reconcile them - Govt is now asked to declare the Act in force without being told how many the residents are who object, the nature of their objections & whether they extend to all or parts only of the Act -

Govt cannot act without information on these points, & Pl 2 of these Orders 20 may lead to infer that if petitions against the enforcement of the Act were received, they were to be enquired into -

Elle

JP

Judicial Department

Proceedings of the Madras Government
Read the following letter from the
Magistrate of South Arcot.
Here enter. 19th Augt 1863.

Order thereon No 1495 of 17 Septr 1863.

The Govt in Council observes that
Para 2. of the order of the 20th May
last clearly implied that, if
petitions against the Enforcement
of the Act were received, they were
to be enquired into -
2. The Magistrate must now do
this in regard to the petitions
referred to in this letter & report
the result: per the orders of Govt.
3 Should there prove to be any
bona fide objections to the introduction
of the Act among the Residents
of the Town, the Govt in Council will
require full information as to

their number, the nature of their
objections, whether
the number of such objectors, the
nature of the objections, whether
these extend to all or only parts
of the Act. He observes moreover
that the proposition
with reference to the suggestion made
by Mr. Reade in Page 7 of his letter
that the Act should be introduced
at the same time that no individual
resident who objects to it should be
brought under it is clearly im-
=practicable. The result of this
would be that the Objectors would
get all the benefits of the restric-
=tion of the Act without
keeping for it.

W. H. H.

To the Magistrate of South Arwl dupd 21

Pro. Sept.

Judicial 1863 Departt.

No. 1495.

Proceedings of Govt.

No. 522 of 64.

Dated 17 September 1863.

Received

Pamb. 164-1642
29.9.63
" 22.9.63
" 22.9.63
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101.63

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